Supervisors of Registration to the Board of Returning Officers their majorities ranged from 3,459 to 6,405 votes actually returned to them by the returning officers. But by their canvass and returns and their certificates they certified a majority in tavor of these men who have east this vote, ranking from 3,427 to 4,800.

There you have the whole affair and condition of the election in Louisians at once presented before you. A large popular majority is reversed by the action of this board by its manipulations of the returns which came into its hands. How was it done! We say there was actual fraud committed by them, as follows: In the first place, they did not undertake to canvass and compile the statements of evidence made by the Commissioners of Election. They threw them on one side and took the statements of votes made by the Supervisors of Registration, and considered them, and them alone; that is, as far as it suited their purposes, for they did not follow that rule all the time, and under the operation of that rule they threw out the votes of Grant Parish entirely. These statements of the votes made by the Commissioners of registration had not made a return. That is all there was. There was no statement of violence, intimidation, or trand. There was no statement of violence, intimidation, or trand. There was no done a return. That is all there was. There was no question before them that the original statements had been made by the Commissioners of Election, and yet this board threw out that entire parish—disfratchised the entire parish by the ounspirent power which they chaimed over the returns of the popular votes as east. Before I conclude I desire to say that we impeach these refurns for actual trand-for was to supervise these men rejected 69 polis, embrach by the enumperent ower which they chaimed over the returns of the suppach these refurns for actual frand-for was to suppace the properties by which they chaimed over the returns of the suppace the suppace these men rejected 69 polis, embrach by the

secompanied by protests?

Sonator McDonald—I think not one in the manuer and form prescribed by statute. Now there is one other consideration—can this Commission book into these questions? Where is the evidence of it? We say it has been taken—that the evidence in support of this charge of fraud and illegably will be found in the investigation made first by the Committee on Privileges and Elections appointed to do that work under the resolution of the Senate in December hast. It will also be found in the evidence gathered by the House committee appointed to investigate the recent election in Louisiana, and the action of the Reimming Hourd of the State in reference thereto. We say then, that these steps have already been taken. Can you look at them? Have you a right to consider them? I say that Congress created a judicial tribunal and not a ciercal board—a judicial tribunal possessing parlamentary powers. As a Judicial Commission, it is bound to accopt evidence as to whether transducent certificates have been given to electors, or whether any of them have not been duly appointed.

MR. JENKS SPEAKS. M PLEA FOR ADMITTING EVIDENCE.

Representative Jenks next addressed the Commission in behalf of the Democrats and the objectors to the Hayes certificates. His remarks started of with a definition of what was implied in the phrase "counting the votes." He said that the implication is both determination of the votes to be counted and the enumeration of them after their determination.

If the act of Congress says that the Executive's certificate shall be the only evidence received in determining what votes shall be counted, then the question of determining the legality of that goes with it, because here are two legislative bodies of a great nation. They are required to attest by their journals a fact which is to go nown through all pistory as a truth over their own signatures, and no power on earth even sy that you shan put upon those journals that which you and every one less knows to be faise. So that there can be no such thing as blinding the eyes. If Congress had passed the act that the arenders of the Senate and House of Representatives, with bandinges over their eyes, under the superintendence of the President of the Senate bandaged in a like mode should count the votes, you would say that that absurdity should never be tolerated. The same fact exists here. Truth is the meral sunlight of the world, and if you dare to shut out the truth from the physical eye, you do so from the meral eye, but you cannot from one mate than the other, unless you propose to defy the intelligent judgment of the world.

I was to call the attention of the Commission to this content point. It has been further assumed that this is a

SUGGESTIONS OF FRAUD.

Mr. Jenks passed on to speak of the rival sets of electors in Louisiana. He claimed that the Hayes ers were not chosen in pursuance of the mode preribed by the Legislature, nor on the day prescribed by as procured through the fraud of Gov. Kellogg and the curping Board. He denied that Kellogg's certificate ras to be received necessarily. "Suppose," he said, "the relificate of the Governor had been procured by a band mecaneers sailing up the river to New-Orleans, who sed him and took him aboard and forced him to gu his name to the certificates." He said further that the electors are by law to be chosen by a popular vote, and that the Tilden electors were so chosen. He then re-

viewed the facts as to the parishes:

In order for the returning board to obtain jurisdiction over returns there must be a protest signed by the Supervisor of Registration or Commissioner of Election, the former during registration, the latter on the day of election. Now, if it be not shown by one of these parties, there is no power to inquire concerning it, and if inquiry be made it is nonreading, and in addition to that we will prove it is a fraud. Then, will this preliminary statement and also has protest, there must be a duplicate in court, in order that there may be a prosecution by the District-Attorney if there be any criminality aidached, and also that the people of the parish may know what is charged against them. Now, if there be no duplicate filed in court there is no furisdiction. I may now state that except in the parishes of Bessler and Concordia there was not a single protest in a best parish in Lausiana.

state that except in the purishes of Bosser and Corcordia there was not a single protect in a single parish in
Lausiana.

The law of Louisiana requires that the parish officers
similize effizens of the State, and yet a main named Chever,
who was appointed supervisor of registration in East
Boston Bouge, was a clitzen of Mississippi, and held two
offices there autilities led of January, 1876. Up to Aug.
28 he was a "reperin" for a snake show—land is, a
cader-in of the people passing by. He was then appointed supervisor of East Baton Rouge, because it was
known that parish was becoming strongly Democratic.
According to the law of the case, we maintain that the
estimony taken in Congress is a part of these proceedings. This testimony shows that this supervisor of registration of East Baton Rouge threw out 1.147 votes,
making a change of 1,100 in that parish. That was before it came to the Returning Board. This roper for the
smake show did this. The Returning Board found it necessary to throw out the returns of this parish, so that
the State would be Republican, and consequently 1,100
votes are thrown out.

Mr. Jenks then commerated the different parishes and

Mr. Jenks then commerated the different parishes and gave a list of the number of votes thrown out in each, commenting on each case and saying it was only done in those parishes where there were a large number of Democratic voters. He continued:

cratic voters. He continued:

I want you to take this fact into consideration, that the zoting Governor of the State is a Republican. He appoints the State Supervisor of Registration. He also appoints every supervisor in the State, and the supervisors of registration appoint every Commissioner of Election in the State. The colored supervisors of registration were all Republican—that is, generally Republican—the iss, generally Republican—the iss, generally Republican—the supervisors of one way, and we suggest the possibility that there might be a design in it, because it seems to me conclusive evidence of design.

As has been stated, there were no protests at all in cer-As his occasiance, which is evaded by the proposition that parties in interest may have a hearing before the floard, under a provision of the sixth section of the act. Any person interested in the election, by reason of being a condidate for office, etc., is allowed a hearing before the

HAYES ELECTORS DISQUALIFIED.

It is my duty to call your attention to certain persons who are alleged to be disqualified. A. B. Levisse and M. Brews er we allege are disqualified under the Constitution of the United States. We will prove that Levisse was a Commissioner appointed by a certain Court of the United States holding at the time of the election. We will prove that Mr. Brewster was Surveyor of the Land District for the State of Louisians. He swears himself that three or four days after the election he wrote a letter of resignation, asking that it might take effect as of the 4th of November. This was written on the 10th or 11th of November. It was received in Washington on the 18th, and on the 23d he received a reply accepting his resignation as of the 4th. Hence on the day of the election he was disqualified from holding the office, and as we decided so promptly that when the number is limited by the Constitution, it is our duty to decide equally upon us. The elector who casts his vote for a disqualified person does the same as though he cast a blank vote. of the United States. We will prove that Levisse was a

a disqualified person does the blank vote. Then with reference to the other officers. We find that Then with reference to the other from Louisiana. By the J. A. Birch was a State Senator from Louisiana. Then with reference to the other officers. We find that J. Birch was a State Senator from Louisians. By the provisions of the Constitution of the State of Louisiana it is provided that no person shall hold any two offices under the said State, excepting those of justice of the peace and notary public. Mr. Birch was a State Senator prior to the election, and continued so, ns we will prove, up to this date. By holding that which he held before then, the disqualifications of the State Constitution render the vote of a citizen and the vote of Birch the same as it not east. He was not elected even if he had a majority of votes.

y of votes.

oris Marks, another of the electors, was prior to the ion District-Attorney for the district in which the sh of St. James is, and continues to hold down to date. He is disqualified by the Constitution of the

Brite.
We will also show that Oscar Jefferson was supervisor
of registration from Point Goupee Parish. He is disqualified by the Constitution of the State, and also disqualified by this present enactment, because in the registration law, section 13, you will find that a supervisor of
registration is expressly disqualified from being a candidate for any office voted for during the time of his officiating as supervisor of registration. The proviso is that
no supervisor of registration appointed under this act; no

clear through as Supervisor of the Election of the Parish Peint Coupee.
We are prepared to prove that prior to the election those who had the conduct of the campaign on the part of the Republican party alleged in advance that no mitter how this election went by the people the Returning Board would make it all right. This was declared by Mr. Lewis and by Judge Dibble, the acting Attorney-General. Lewis is the one who was elected to the United States Senate by the late Legislature.

Let me add that this board, in addition to many other things that I shall not have time to recapitulate, offered by some of its members to sell the result of this State to two different men, one for a consideration of \$200,000 and the other for \$1,000,000, the prices charged being in conformity to the probability of the purchase. Truth ought to be permitted to shire upon this transaction, and if truth shine upon it only one single result can possibly be attained.

MR. HURLBUT REPLIES.

RELLOGG'S CERTIFICATE LEGAL. Mr. Hurlbut began the argument for the Republicans in objection to the Democratic certificates from Louisiana. He said two courses were open to him -to attack the McEnery electors or uphold Kellogg's appointees. He chose the latter course, and argued as to the legality of Kellogg's official acts as compared with these of McEnery, which are illegal. He said:

the end of the latter course, and argued as to the legality of Kellorg's official acts as compared with those of McEnery, which are illegal. He said:

Fortunately there is an abundance of proof upon that question. There is no Governor that has held office in these United States that is so abundantly busistered up by proof of his existence as a Governor, by the fact of the election, by the fact of the ederation of that election by the continue of the votes by the only legal returning efficers of the State, by the fact of the entrance into office under that count, by the fact of the entrance into office under that count, by the fact but when in pursiance of the system which prevailed in that most wretched State, the United States placed Kellorg back in the seat from which he had been thrown. The record does not end here. The Senate formally approved the action of the President. What is more, Senator Thuran offered an amendment to the resolution should be considered as recognizing Kellorg as de jure Governor of Louisiana, and that an endiment was rejected by a vote of the Senate. The House has also taken some action on this matter. The Louisiana committee which has been referred to by Mr. Jenks in his argument reported a resolution should be considered as recognizing Kellorg as the Governor of the State of Louisiana, which passed a resolution of that William Pitt Kellorg be recognized as the Governor of the State of Louisiana, which passed a resolution of office fixed by the Constitution of that State. That resolution was adopted by a vote of 163 to 86. Further, the award of the William Pitt Kellorg kuring the issue for which had been elected and until his successor should be appointed, should not in any way be interfered with by that Legislature of the State.

Now I will come back, first, to the question of bis election, in 1872. The contest was between John Mechanism the whole of the State.

Now if it be true that William Pitt Kellorg was forced in the formal of the control of the state of Louisiana has settled

THE RETURNING BOARD FINAL. Mr. Huribut stopped for a moment to consider the jurisdiction of the Communion. He denied its authority to review the election in Louisiana and go behind returns. On this point be used some of the arguments of qua igrranto and to all processes in an election moving constantly forward. He said on this general subject;

constantly forward. He said on this general subject:
All laws reflect the condition of society. Thus in Londana, the election process, instead of heginning from the bottom and coming up, begins from the top. There is not in that community diffused education. Above all things there is not that reverence for law which permittrusting local neighborhoods with this power, and so in congulation of that fact, in recognition of the fact that from the beginning in that most uncrumate State there was been armed, delingate resist need to all law, there has been a beliberate, settled, persistent resolution to crush out by violence and force all those thines, no matter what they were, which should in the way of the party that angulet to

which certain persons were chosen as encours, was an election held within the State of Louisians. If it was, then these men may jurisdiction.

Now the election of electors in Louisians stands upon two statutes. Now I apprehend that in considering the effect of statutes that are calmed to repeal the one or the other the first question is as to what the probable intent and meaning of like Legislature was. No man pretends can it was the probable intent and meaning or purpose of the Legislature of Louisians to repeat the right of the people to east their votes for electors for President and Vies-President. Why I because it is inconsistent with the network state of things that has prevailed since that time; for there has been a Presidential election held in 1876, and that held in the same in 1877, and held by this same process of volug by the people. There has been a Presidential election held in 1876, and that held in the same manner and by the same process of ascertaining the choice of the people in that matter of appointment of electors, so that the construction to be derived by the asage of the Government itself is against

efection held in 1876, and that held in the same manuer and by the same process of asperialning the choice of the people in that matter of appointment of electors, so that the construction to be derived by the asage of the Government itself is against the theory of repeal. Resides, there comes in another great principle of interpretation, that have repeal only so much of the preceding law as is incansistent with the ope to be enacted, and hence it has been held in practice in Leanstana, and undoubtedly is the clear law of the case, that the repealing act of 1870-72 creating this Returning Board only interfered with the act in recard to Presidential electors so far as todo away with the special tribunal provided under that prior act, and to submit that election and all other elections held in that State to the arbitrament and determination of this board of returning officers.

Now, I may perhaps be pardoned in saying that whatever may be the amplitude of the power committed by these statutes, under the will of the people of Louistana, to this board of returning officers; whatever may be the peril—and I can see it—of giving so large a jurisdiction to any board, that the thing which was behind it and the cause of it, the cause of the enactment, is infinitely worse, and deserves the condemnation of every man who loves his country and believes in the rights of the down-trodden and the oppressed. For I say here, from some knowledge of the facts and close investigation, that the history of Louisiana since the reconstruction has been nothing more nor less than a series of desperate attempts to overthrow existing law by force; that the old Anglo-Saxon method, by which existing evits are corrected in the form of law, never seems to have entered into the imagination of that hot-headed, rash, and imperious people; they have adopted rather the Latin form that their neighborhood to Mexico would induce—sounding promunicalmentors, revolution, followed up by forced loans upon the commerce and industry of the country to support

ARGUMENT OF SENATOR HOWE. M'ENERY OBJECTED TO.

Senator Howe then addressed the Commis-

Senator Howe then addressed the Commission on behalf of the Republican objectors as follows:

I am somewhat mortified, having been assigned to speak in support of objection No. 4, to find how very small a thing it is. But we respectfully object that you shall not sount the votes tendered by McEnery and his associates. First, Because you have no evidence that they were directed by the Legislature of Louislana to vote for President, and you ought to have such evidence before you receive them. The statutes of the United States require you to have it. No man can have his vote as elector counted for President and Vice-President unless his right so to vote is cortified by the Governor of the State. John McEnery was

not in November last and never was Governor of Louisiana. Row do we know that? Why, simply because we are rational beings, and as such we are now bound to know it. We may be ignorant of a great many things, but here is one thing of which we are not permitted to be ignorant. We are bound to know who is the Governor of a State of this Union; and being bound to know thathas State can have but one Governor, when we come to know who that man is then we know that all the rest of God's beings are not. But I do not content myself merely with the propositions that we are bound to take judicial notice of who is Governor of the State; we are not bound to take this sort of notice, but every member of this Com mission has helped to give notice and has served notice to the world that John McEnery was not Governor of Louisians, and that Keilogg was. So many of you as occupy sents there who belong to the Senate have often seen the signature of McEnery attached to the credentials of somebody aspiring to recognition and knocking for admission to the Senate, but you have never opened your doors to any such demand. And so many of you as belong to the other house have seen that same name appended to the other house have seen that same name appended to the other house have seen that same name appended to the other house have seen that same name appended to the other house have seen that same name appended to the other house have seen that same name appended to the other house have seen that same name appended to the other house have seen that same name appended to the other house have seen that same name appended to the other house have seen that same name appended to the other house have seen that same name appended before the other house have seen that same name appended to the other house have seen that same name appended to the other house have seen that same name appended to the other house have seen that same name appended to the other house have seen that same name appended to the other house have seen that same name appended

that State by compiling a government for it, no such calleo as John McEnery got into that patchwork; another to an was recognized as the Governor of Louisiana then and there, and yet this man comes here now, in these inst few days, and undertakes to certify to the right of men to vote for President and Vice-President in the name of Louisiana. I have heard something said here this morning about frand and corruption. Do you know or have you beard of any indication of frunt anywhere or in anybody so complete, so boid and pai-pable as this attempt of John McEnery, to pass himself, not only upon this high Commission, but upon the nation liself as Governor of Louisiana 1 There are canning men it know who sometimes attempt to pass and do pass upon business men spurcous notes as genuine, and you would take it as a trick of a knave to be sure, but a smart knave. What would you say of a man who should bring a note to a bank, pretending it was manafactured on ifs own plates, but which had actually been stamped as counterfeit before it was presented? You would not say that he was a very smart knave, would you! But here this man comes again, this man whose pretensions, as I say, had been preferred just as eften as they had been put forward, and once more claims an authority which he never had keelings, I think, will puss here as cleawhere as the Governor of Louistana in November last, find he tells you who were the electors of that State as elected by the people in November.

GOING BUREAU THE RETURNS.

Will you go in ther than this in that direction! I heard you just now invited to go further still, and it is

insimated in that case some suggestive and impressive testimony would be taid before you. Under instructions of the Schate of the United States I have taycelf made some inquiries in that direction.
The committee of the Schate which went to
Louisiana represented both political parties, and they
went there matrixed to ascertain if they could whether
the right of suffrage of that State had not been shridged
in any way, either by fraud, force, excluding
voice, or a refusal to count the voice after
they had been deposited in the ballot-box.
Senator flows, who is confributed to the ballot-box
toom up the defect of this state of that committee, then
toom up the defect of this state of the confidence of the
test blear voices, as proved by the testimony taken before the committee, and quoted from the testimony at
event length.

MR. CARPENTER'S SPEECH. When the Commission again assembled at 5 o'clock, ex-Senator Carpenter said: I desire to say that I do not appear here for Samuel J. Tilden. He is a gentleman whose acquaintance I have not the honor of, with whom I have no sympathy, against whom I voted on the 7th of November last and, if this Tribunal could order a new triol, I should vote against him again, believing, as I do, that the accession of the Democratic party to power in this country to-day would be the greatest calmulty which could be all the people except one, and that one great calamity would be to keep him out by fraud and falsehood. I appear here for 10,000 legal voters of the State of Lauisiana, who, without accusation or proof, indictef Laushana, who, without accusation or proof, indietment or trial, notice or hearing, have been disfranchised by four vitinans incorporated in perpetual succession, whose official fitte is the Kethraing Board of Louisiana.

I beg your Henoes to peaks a moment and consider the lessons you are to teach to the future politicinas of this country by this day's work. The honorable gentlemen from the House who have appeared here against as do not prefend that by the votes given on the 7th of November the Hayes electors were elected in Louisiana. No serious pretense of that kind is made. Since the last election the Democratic ago to possision of Fiorida, saved to them by the decision that where clear proof is offered that a canvassing board has acted fraudulently in making up their certificates this high Tribunial will take no notice of it, and if this Tribunal will take no notice of it, and if this Tribunal will not, neither house of Congress can, for you have here the power of each house and of both houses, and if these Democratic canvassers of Florida do not send up another ticket here by 10,000 majority it will be because they have not improved upon the lesson given. If it be true that the Governor can certify a man as duly appointed an elector of the State who has not received a single vote at the poli, and that, too, upon the action of a canvassing board which has been bribed or coerced to throw away all the ballots cast, and certify a falsebood known to both Houses of Congress by the investigations they have made, who is so hopeful as to believe there will be another President elected by anything but fraud! Why go through with all the true mendous labor and expense of a political campaign when, with a third of the money, you can bribe a returning board and carry an election without a vote!

The first meeting which paturally suggests itself for

The first question which naturally suggests itself for argument is, what is the nature of this tribunal and the argument is, what is the nature of this tribunal and the charactor of its powers! Upon the very basis of the bill creating this tribunal your decisions are to be reported to both houses of Congress, and, the two houses of Congress may set them aside. There is an end, then, of saying that this tribunal is exercising judicial power, or that whether you decide that the vote shall be counted for Mr. Hayes or Mr. Tilden, that decision precludes the question between these two. What are the powers possessed by this Tribunal? I think I have shown that they are not judicial. The duty devolved by the Constitution upon the two houses of Congress is to count the votes given for President at the Electoral Colleges on the 6th of December last. Now I submit to your honors that whenever any question is pending before any legislature both whether house and power of either house of the Legislature both whether house and power of either house of the Legislature to investigate the subject to their heart's content. When it becomes the duty to count these votes it is to be done by the two houses. How are they to do it! Intelligently or blindly, so as to encourage justice and truth, or so ns to enshrine injustice and fraud! May not the Senate raise a committee and take evidence tending to show what has been in these several States! May not the House do the same thing! May they not create a joint commission! Such a body as this is no novelty now. Whatever you decide the two houses may set aside, clearly declaring that the ultimate power of making this count is in the two houses. In no possible aspect of the case can it be maintained that this Tribunal is anything on earth but a legislative commission! Such a body as this is no novelty now. Whatever you decide the two houses. In no possible aspect of the case can it be maintained that this Tribunal is anything on earth but a legislative commission! Find the power of the legislation.

At this point Justice Bradley interrupted: "I don't think there is a difference of opinion on that poin character of its powers! Upon the very basis of the bill

on the mere suggestion Judge Bradley has made on the on the mere suggestion Judge brackly subject.

Judge Bradley intimated that the codinsel had drawn his own inference; to which Mr. Carpenter replied: It is certain they are exercising some power. If its powers are not judicial, no one will claim they are executive; then they must be legislative; therefore I say that when this Commission alts here under this act of Congress, exercising political powers, its duty is precisely what the law of creation prescribes, and all this has been for the purpose of coming to the inquiry—What are the powers vested in this Commission!

A DECISION ON THE FACTS. Mr. Carpenter then quoted the language of the act creating the Commission, and contended that it is the duty of this tribunal not to ascertain what appears to be to the world that John McEnery was. So many of you Louisiana, and that Kollogy was. So many of you as been at there who belong to the Senate have often seen the signature of McEnery attached to the crederilaid of admission application to the Senate, but you have never opened your doors to any such demand. And so many of you as belong to the other house have seen that same name appended to the credentials of those who asked to be admitted to the deliberations of that body, but you have in the character of Governor. I do not knew you in the character of Governor. I do not knew you in the character of Governor. I do not knew you in the character of Governor. I do not knew you in the character of Governor. I do not knew you in the character of Governor. I do not knew you in the character of Governor. I do not knew you in the character of Governor of Louisiana, and judgment has been given in that court upon the issue thereconfirmed; so that you have, in all your several expactions, been called upon directly to pass judgment upon this pretense and have all given judgment against it.

A STAMPED COUNTERFEIT.

When a committee of one house of Congress went to Louisiana a few years ago and undertook to compose that State by compiling a government for it, no such calleo as John McEnery got into that patchwork; another tran was recognized as the Governor of Louisiana then and there, and yet this man comes here now, in these inst few days, and president and Vice-President in the name of concess here now, in these instances of the proposition of the control of the limit states. Now, fet us see whether any court has side here this under oncess here now, in these instances of the control of the limit states. Now, fet us see whether any court has in the name of consistant and Vice-President in the name of consistant in the name of consistant and vice-President in the name of consistance and the control of the control of the safe proposition of the control of the safe proposition of the proposition of the control of the safe pro

THE LAW OF LOUISIANA.

Another question, I think, is one of considerable difficulty, and that is, What was the statute law of Louisiana
on the 7th of November last I. If the act of 1868 was in Relings, I think, will pass here as elsewhere as the dovernor of Louistana in November last, and he tells you who were the electors of that State as elected by the people in November.

COMPLIANCE WITH THE STATE LAW.

Do you want more evidence? Will you contradict that I It is the very evidence which our statute tells you to look for. I know that the Constitution says that each State shall appoint the prescribed number of electors in such way as the Legislature of the State shall direct, and perhaps you may feel authorized to so a little back of to lace evitificate of the Guard with the direction of soo whether he has acted in accord with the direction of any constraint of the statute of the United States does not have respect for the authority of the Legislature of the State shoes of it has soid the food of the contradiction of the statute of the st force at the last election, it is not pretended that there has ever been any canvass of the vote of that election ac-Revised Statutes continued in force, the new set of 1868 did coatable provisions in regard to the electors. The net of 1872 old not, except to fix the date, which was wholly unaccessary. Congress having determined that Now, they, I maintain (and here I cross the path of some other counsel far more delinguasted) that electors are not State officers. Tacy are therefore not excluded in these general provisions of this act of 1872. Another point I regard as entirely conclusive, that in regard to the networ of this excluding voters when the Constitution of the United States says that the electors shall be appointed in such manner as the Legislature of the State may direct it means one of a state of the Union; so I maintain that if the maintain proceeded by the State of Louisiana for appointing electors is in violation of the Constitution of that State, then it is not a complained with the Constitution of the United States. I claim that if I can show that the election law is clearly in violation of the Constitution of the Easts of Louisiana, it is equally in violation of the Constitution of the United States. I claim that if I can show that the election I constant, it is equally in violation of the Constitution of the United States. I am now proceeding to treat the act of 1872 as though it applied to the election of electors. This act encates a canvassing bo rd. to be appointed by the Senate, and, so har as anybody knows, they hold their offices dering their hataral lives. As vacancies occurred the act of this law is constitutional—as the Government of the United States is more potent than the geopic of that State. Mr. Carpenter then revised the provisions of the state. Mr. Carpenter then revised the provisions of the act, and commented the dides devolving upon the Board of Canvassers.

A PREMATURE ABJOURNMENT.

A PREMATURE ADJOURNMENT.
At this point Mr. Carpointer complained of feeling un-rell from the close atmosphere of the convi-room, which and been some time previously rendered very disacted by the smoke of the candles with which alone it was lighted, and the Commission thereupon, shortly before 7 o'clock, adjourned until to-morrow at 11 a. m.

NOTES IN REGARD TO FLORIDA, LOUISIANA, MADDON, AND CAPT. DITTY.

WASHINGTON, Feb. 13.-Proctor Knott's committee pursued the Florida investigation to-day. C. D. Whiard of this city testilled that he received on

Nov. 11 the following dispatch, which he produced:

To C. D. WILLARD, Washington: Stanton had long conforcace with filamort a massasse. Most important advantages, besides landed latered, may be secured, and great public service rendered. Estimated should enter or near immediately. Answer.

SHERWIN. Mr. Willard stated that the dispatch had no reference

business intiween himself and Sherwin, who was for harry a broker in New-York. Ex-Attornry General Cocke of Florida testified that he was in Gov. Sicarns's Cabinet for four years, and that Gov. Stearns had signed a bill which the Legislature had voted down; it was a bill authorizing the Governor to collect \$80,000 from the United States which had been granted for agricultural purposes; the bill is now in the

relives of the State. Gov. Steams took the stand, and testified that the bill once passed both branches, but was reconsidered; he did not know of the change; be himself went to the Interior Department and opposed the collec-

tion of the money. Δ good deal of evidence was also taken by Mr. Knott's Committee in regard to the Louisiana election and elect-ors. The witnesses were Mr. Hardesty of Bultimore, R. ors. The witnesses were Mr. Hardesty of Baltimore, R. M. Compton, State Treasurer of Maryland, and William Keyaer, Vice-President of the Baltimore and Ohio Rauroad, and others of Baltimore, who testified as to Maddox's character, their evidence being negatively favorable; John Stiles, Chief of the Appointment Division of the Interior Department, and R. G. Keene of Baltimore, Mr. Stiles produced the papers relating to the resignation and reappointment of O. H. Brewster, one of the Louisiana ecctors, as Surveyor General of the Land Office for Louisiana. These show that Brewster was appointed by the President on Feb. 11, 1875, to held the office for four years; his resignation to the President is dated Nov. 4, 1876, and he requests that it take effect Nov. 4. The letter is indorsed by the Secretary of the Treasury Nov. 16, directing the resignation to the President in Brewster, dated Nov. 19, 1876, for reinstatement into the office. Mr. Field raised the point that the letter of resignation was anteduced, because it was presented at a certain Cabinet meeting. The witness, however, would not encourage or testify to the truth of this idea.

Mr. Keene testified as to Capt. C. Irving Ditty's conduct in relation to President Lincoln's passage through Baltimore in 1861. He declared that Ditty rushed into the street about that time with a carbine in his hand, railying the citizens to arous; Ditty was considered a monomaniae then and is so now, and he wanted to shoot Mr. Lincoln on sight; witness was in the Confederate service with him.

James Pelletier of New-Orleans, a waiter in a restaurant, testified to overhearing ex-Gov. Wells say, at that famous dinner of the Returning Board, that no matter if Tilden had a hundred thousand majority in the State, the Oregon elector, has returned to Washington and will again testify. M. Compton, State Treasurer of Maryland, and William

CONTINENTAL BOOKKEEPING.

INQUIRIES AFTER MISSING BONDS-HAMMOND'S PRAC-TICES.

The examination before William Allen Butler into the Continental Life Insurance Company's affairs was brief yesterday. George W. Thomas, the bookkeeper, was questioned concerning an entry on page 162 of Journal D. He said there was a cash credit by pur-chase policy account of \$355,312 50, and as a counter entry to balance, \$291,900 bonds and mortgages and

\$63,412 50 United States bonds.

L. V. Styles testified in regard to these entries going upon the cash book and bond and mortgage book. He said they were made under the pretext of purchasing reinsurance in the New-Jersey Mutual. He spoke to Mr. Anderson about these bonds and mortgages which he had checked off the mortgage book as missing. Mr. Anderson said he could not give him any explanation. but that D. J. Noyes knew about them. Mr. Styles went to Mr. Noyes, but he did not furnish any information. Mr. Styles believed that some of these bonds were trans-ferred to the New-Jersey Mutual under the contract dated Oct. 10, 1876, and that the remainder are in the

dated Oct. 10, 1876, and that the remainder are in the possession of D. J. Noyes. Mr. Noyes checked off the \$291,000 with the letters "N. J." in pencil. The \$63,412 50 are checked off "Cont'l," also in D. J. Noyes's handwriting. These are the bonds which Mr. Styles believes to be in the hands of Mr. Noyes.

Henry E. Metager, a former general agent of the Continental, said in the presence of a TRIBUME reporter yesterday that while 8. U. Hammond was buying policies for the company in the West in 1875, he sometimes induced persons of whom he bought policies to sign their names on the back of a blank draft. The soller did not understand exactly what he was doing, but thought he must necessarily sign his name to semething when he con-

eluded the contract. Hammond then filled out the draft for a larger amount than that which he paid the seller, got the draft cashed, and pocketed the difference. Mr. Thomas and Mr. Styles both say that Mr. Lather W. Frost knew of these practices of Hammond at the time. William R. Grace, the new receiver of the Continental, said to a Tringwag reporter yesterday that he was making a new valuation of the assets of the company.

XLIVIA CONGRESS-SECOND SESSION.

REGULAR REPORT OF PROCEEDINGS. E CONTEMPT OF CONRAD M. JORDAN AND THE OREGON ELECTION - THE FLORIDA ELECTION CONSIDERED IN THE HOUSE-SPEECH OF MR. PURMAN.

SENATE....Wasnington, Feb. 13, 1877.
The Senate reassembled at 10 a.m., and until 12 o'clock. Upon reassembling, the CHAIR laid before the Senate a message from the President of the United States, transmitting a memorial of the citizens of

mini 12 o'clock. Upon reassembling, the CHAIK had before the Senate a message from the President of the United States, transmitting a memorial of the citizens of New-York in regard to a colossal statue of Liberty proposed to be erected in New-York harlor. Referred to the Committee on Foreign Relations.

Mr. HARVEY (Rep., Kan.), from the Committee on Prible Lands, reported a substitute to the Senate bill 10 secure the rights of settlers upon certain railroad lands, and repeal the first five sections of the act of July 25, 1866, granting lands for the State of Kansas to aid in the construction of the Kansas and Neosho Valley Railroad, and the actension to Red River. Passed.

Mr. TELLER (Rep., Col.) introduced a bill granting the right of way through the public lands to the Go.den, Georgetown and Central Railroad Company of Colorado. Referred to the Committee on Public Lands.

Mr. SARGENT (Rep., Cal.) submitted a resolution calling upon the President to transmit to the Senate, if not incompatible with the public interest, a report of the expanditures of the Department of Sante from 1789 to 1876, and also the expenditures on account of foreign intercourse during the same period. Agreed to.

Mr. MITCHELL (Rep., Oregon) called up the resolution submitted by him yesterday, providing for the issue of an attachment for Comra N. Jordan, cashier of the Third National Bank of New York, he having failed to appear before the Committee on Privingers and Elections to testify as to the accounts of Samuel J. Tilden, Wm. T. Pelton, and A. S. Hewitt in that bank. Mr. Mitchell arned that he was authorized by a unanthrous vote of the committee to present this resolution to the Senate and ask for its passage. and there was a fail meeting of the committee when the vote was taken.

A discussion followed, participated in by Messrs. Kerman (Den., N. Y.), Cooper (Dem., Fenn.), Sandsbury (Dem., Dec.), Alcohi (Rep., Miss.), Kelly (Dem., Oregon), and others, and involving nearly all the matters connected with the Oregon election which came b

HOUSE OF REPRESENTATIVES.

The House met at 10 a. m., and from that hour until 11:45 the clerk was engaged in reading the journal of the legislative day of the 1st of February, which, by successive recesses, continued up to and in

Mr. HEWITT (Dem., N. Y.), from the Committee on Foreign Affairs, reported back the Schate bill to encourage and promote telegraph communication between America and Europe. The bill was passed.

The House, as the regular order, proceeded to the consideration of the report of the Committee on the Election in Florida, declaring that the Tilden electors had been elected in that state.

Mr. HOPKINS (Dem., Penn.), who had charge of the matter, said that he had intended to limit the debate to one hour, but since he had seen the extraordinary spectacle of a tribunal refusing to investigate into the real vote of Florida, since he had seen the report of the minority of the committee, containing evidence which had never been taken and containing reflections upon the majority which were utterly unwarranted, he thought there should be more time for debute. He called upon honest Republicans to refuse to accept victory stanned with so much fraud and crime.

Mr. DUNNELL (Rep., Minn.), who had signed the minority report, spoke in support of that report and characterized the action of the majority of the committee as partial.

minority (reposition) and the majority of the committee as partial.

Mr. PURMAN (Rep., Fla.) rose to debate the report of the Florida Committee. Up to that time no interest had been taken in the debate, the other speakers having principally addressed vacant benches. When he commenced his speech, however, and it became evident that he favored the resolution of the majority declaring the Tilden electors duly elected, the Democratic members gathered around him and frequently interrupted his speech by applicate. He said:

A better, more enlightened, and prosperous era the State of Florida never saw than that which is distinguished as her eight years of experience under the rule of the Republican party. Starting out under a sound and enlightened Constitution in 1868, the chief giory of which consists in the guarantee of the equality of all human rights, the liberal festering of the industry of labor and the safety secured to empirial and its creations, our state has floated in a continuous stream of prosperity from that year to this, unprecedented in any former period of her history. Fierfida may now be pointed to with pride And those heroic men who chained trials for opinion's sake and to hold up an alliance in the South with the great Republican party in the North for the purposes of antiquilpean party in the North for the purposes of antiquilpean party achievements deserved, if not a crown of clory here, at least the meed of pulse and a chivatre delense against the calminists of political channels. The third the second of the pulse of the felends. The interpulsaries of the colored legislators were made the interpulsaries of the colored legislators were made the interpulsaries of the appellulant papers. In the election of 1874 the Republican papers. In the election of 1874 the Republican theaders in Vassilington, who feared that the extension of protection to the colored voters in Massisript would have the effect of defeating the Republican that he seems a state of the Republican that the server state of the Republican that the server state of the Republican that the headers in Vassilington, who was a leading the representation of the same server that party, who was a leading to the United States Sends of the Morth. The unique and the server states of the same server that party, who was a leading to the Carlotton to the Carlotton that party, who was a leading to the Carlotton to the Carlotton that party, who was a leading to the Carlotton to the Carlotton that party, who was a leading to the Carlotton to the Carlotton that the party of the party of the Presidential canapting of that State, and selected to the governorship of that State, and selected to the governorship of that State, and relant spirit of our party everywhere in the South. When the Presidential canapting of 1876 began it became facessary to part to the new decrease of the server selected and the carlotton of the Presidential canapting of 1876 began in became faces and the party of the server selected in the State of the carlotton of the Presid

ciccted.

The previous question being seconded, it was agreed that the vote on the resolutions should be taken to-merrow at 12 o'clock, although Foster of Ohio suggested that the funeral ceremonies should be finished to-night, and the corpse buried.

The House at 4:30 p. m. took a recess until to-merrow at 10 o'clock.

A five-year-old girl, convalescing from an attack of scarlet fever, was suffering greatly from earsche. Something prompted the little one to petition above for relief, and this was the way she did it: "Oh, Lord! Oh, good Lord, oure my earache," continuing to repeat it over and over. Her mother, hearing her, muring, asked, "What are you saying, my dear!" "None of your business," was the reply. "I ain't talking to the Lord."

THE COURTS.

EMMA MINE SUIT.

OPENING OF E. J. PHELPS FOR THE DEFENSE-IN CLAIMS THAT THE MINE IS NOT WORKED OUT. Judge Wallace, at the opening of the Emm Judge Wallace, at the opening of the Emma Mine case yesterday morning, denied the defendant motion to dismiss proceedings or direct a verdiet for the defendants, and E. J. Phelps began his opening speed for the defendant. After commenting on the nature of the proceedings, and pronenneing the defendants men at the proceedings, and pronenneing Tennes W. Park in the proceedings. the highest character, eulogizing Trenor W. Park, in par-tienlar, as a man "who, from the time he started out a bare-footed boy in Vermont, had not only carved out fortune by his ability, pluck, and industry, but had camed a reputation among those who knew him for nyrighteen in every dealing of life," Mr. Phelps proceeded to outline the case for the defense.

He said that at the time when Park came in pos

He said that at the time when rars cause in possession of the mine it was one of the most celebrated in the world, and that under him and its associates its probe tion was unparalleled. The owners went to England, the great mining market of the world, where the sharp the great mining market of the world, where the sharp the great mining market of the world. the great mining making investments ness of the mining capitalist in making investments leaves the proverbial Yankee far in the shade. The mine leaves the proverous range for in the shade. The mins was sold, not on representations—"a fool does not need to be told that"—but on a careful, assurate, and comprehensive verification of the proof of every pound of ore taken out of the mine from 1870, when it began to rield, down to the day when it was offered for sale. These purchasers knew to the uttermost farthing the production of that mine, not from what had been told them, but from practical observation, the claborate reports of the greatest mining expert in America, and those of the by Mr. Park in London reports were circulated that it was comparatively worthless, and Mr. Park, who held some of the stock, gave notice to shareholders that he would not consent to the further sale of stock until a committee appointed by the Board of Directors should proceed to Utah and examine the mine to ascertain the proceed to Utah and examine the mine to ascertain the truth or falsity of these reports. E. Brydges Willyans, an experienced smelter of ores, went to Utah four months after the mine had been sold, and his report was that the mine was of greater value than had ever been represented. After Willyams's return and report, Mr. Park, a a public meeting of the Emma Mine shareholders, offered to buy at par the stock of any person who wished to retire from the company. In June, 1872, the mine was visited by Mr. Stanley, another director, who made a like favorable report, and in August by Mr. Anderson, chair man of the Board of Directors, who wrote to Mr. Park after two months' observation of the working of the man of the Board of Directors, who wrote to Mr. Park after two months' observation of the working of the mine, expressing the opinion that the property was of immense value. Up to this time the nine had paid nine monthly dividends. When the caving in of the tannel occurred the rumors that the nine was worked cut were started aftesh, and the near who were bearing the stock forced it down to 13. Instead of prosecuting the work—as the plaintiff's witness. Atwood, the superintendent of the mine, was compelled to admit under cross-examination he had urged them to do—they went to Park and said. "Here is the hole surrounded by innestone rock for which you got five millions from us." They refused everybody admission to the mine, refused Park's offer to find the vein at his own expense, and woods let neone except Atwood and Prof. Blake examine the tunnel. They had not even supported Atwood's assertion that the mine was worked out by the testimony here of the experts whom they had sent out to examine it. It would be shown, said Mr. Phelips, by demonstration as plain as science and practical experience can possibly demonstrate, that that vein of silver is still there, that fix value is as great as in its painless days, and that all that is needed is intelligent labor in the right direction to produce the former yield. One quarter of the money spent in this litigation would have reopened the mine. It would also be proved that under Arwood's superintendence, not withstanding the charge that the vein was exhausted, \$1,000,000 worth of one had been taken from the mine. No report has ever been made of that ore, the shareholders never realized from it, but somebody got it. The real party to this sait was not the Emma Mine Company but McDougal and his associates, who it would be shown had agreed to indennify this corporation against any expense in a sait for damages, and had bought this littigation in which they had ne interest, purely on speculation.

Mr. Phelps will continue bis address to-day.

purely on speculation. Mr. Phelps will continue his address to-day.

Mehrbach and others came before Judge Van Verst, in Sa-preme Court, Special Term, yesterday. In 1873 a joint sieck ssociation, known as the Street Cleaning Association, had as to First-ave, and between Ninety-seventh and One-hundred and Gret-sts. John L. Brown was the president and among those interested as shareholders, either for themselves or those interested as shareholders, ether for themselves or as trustees, the compinion in the unit names Wm. M. Tweed, jr., Andrew J. Smith, James M. Sweeny, E. P. Smith, Richard M. Tweed, Sheppard F. Knapp, Charles Devlin, William King, and John Scott. To facilitate sales a conveyance was made in 1873 to Solomon Methybed, subject to a \$50,000 mortgage to John L. Brown, jr., to [which was added a \$10,000 mortgage afterward, Mehrbach to sell and, after paying the mortgage, afterward, Mecronen to seit and, after paying the mortganes, to divide the net proceeds between himself and the association. No sales resulting under this plan, in 1875 the property was conveyed to the plaintiff and Thomas J. McCahill in trust, to make sales forthwith at a price fixed. and, after paying the mortgages and expenses, to divide as before. If they could not sell them, they were to set apart to John L. Brown, jr., chearly lots to pay his mertears, enough lots to pay Metrhach, and chough lots to pay expense, and then to divide the read among those interprised. This did not succeed. They sold only four lots, and those for \$1,000 less than the stated price, Metrhach promising to make up the difference. Metrhach took eight lots at \$18,000. The trus-tices now ask to be releved, and that the court decide who are emitled to the lots, and order an accounting. On most point the nattice are arresal, the chief operation lades which he

CIVIL NOTES.

In the suit of Salina E. Ralph against Joseph 1. Ralph, for an absolute divorce, after a union of 34 years Judge Barrett, in Supreme Court, Chambers, has ordered

in a suit by Hugo Schlag against Louisa Schlag, the suit by fittigo Sching against Louisi Sching, beginn in the Coart of Common Pleas about three years ago, the wife has asked an additional counsel fee, owing to the long delay of the plaintiff in bringing the suit to trial. He replied that he is a compositor earnit ponly \$15 a week, of which he is a to pay her \$4, and has caved up hardly \$30. Judge Bobbson directed that he pay his wife's counsel \$25.

Several of the minor children of Isaac M. Singer

applied yesterday o Judge Barrett, in Supreme Court, Chambers, for allowances out of the estate. Caroline Virgina Fesbers, for allowances out of the estate. Care into Virgina Fes-ter, a married woman of 19, who is entitled to two satisfies, which she values at \$250,000, is now receiving \$500 a month, but says her dorsor prescribes a carriage, which wid cost \$2,500, and neks the court to show her that and \$4,000 a month. Judge Barrett refers her application to caralage Mitchell. Three other children have obtained a referee sogn-bon that they should have each \$500 s month. Judge Barrett tarks that \$4,000 a year is ample, and so orders.

The trial of Duryce against the Mayor, an account The trial of Duryee against the Mayor, an account of which was given in The Thinkin yesterday, is still on in Supreme Court, Circuit, before Judge Donohue. The plaintif produced yesterday acceral witnesses to prove the extent of his damage, and called one of the seven inspectors who had superintended the construction of the subscut. The witnesses testiled that he built it by direction of Mr. Craven of the Craten Aquediact isoard, and produced a written order Mr. Craven and the permission of Mr. Talman, who then owned the land.

In the suit of John H. Earle against the New-York Life Insurance Company tried vertearly before larger, P.

Life Insurance Company, tried yesterday before Judge J. F. baly, in Common Picas, Triai Term, the jury gave a verbel for the plaintiff. Daniel Ladd of Florida insured his life for \$5,000 and made an assignment absolute on its face to Duncas & Johnson of Mobile reality to secure a debt of about \$1,800. When he died the other Georgia creditors attached the funds When he died the other Georgia creditors attached the funds in the hands of the company's agent doe on the point. The company settled with Duncan & Johnson or \$1,375, and incurred some expenses in celending the balance of the fund from the other creditors. They finally advised the executor of Lade to assign his claim to some one who could bring suit here, so that they should be protected by judgment. The was done, and they offered judgment for \$2,775, charging \$250 for the legal expenses. This was refused, and the suit became unifiedly. Judge Daly ruled yesteriag that the Georgia abtachments against the company were void, as the assignment to Duncan & Johnson was absolute on its face, and under the lastractions of the court the jury awarded paintiff its tail claim, amounting, with interest, to \$3,874 50. Mr. Massa appeared for the plaintiff; Mr. Knox for the defendant.

CRIMINAL NOTES.

At the Essex Market Police Court yesterday, Con-rad Muller was required to furnish beil in \$500 for feeping on onorderly house at No. 100 Canal-st.

Thomas Burns, alias James Murphy, who snatched

a pocketbook, containing \$25, from Catherine Channey, in Thirty second st., on Feb. 3, pleaded gully in the Court of General Sessions yesterday, and was senienced by Judge Satherland to six years and sl. months in the State Prison. Sutherland to six years and six months in the State Prison.

At the Tombs Police Court yesterday, James Harris charged John Sharker, an errand too, with the arresty of a check book containing 1,000 blank checks with two costs revenue stamps attached to each, valued at \$40, which he subsequently acknowledged to having soul to a stamp-desier in Pine-st. He was held in \$500 bath.

Elijah W. Houghton, formerly bookkeeper for Gordon & Son, dealers in pianos at No. 13 East Fourteenth-stayesterday pleaded guilty to several charges of embezgling and lorging noise and checks remitted to the firm, and was sentenced by Judge sutherland in the Court of General sessions to four years in the State Prison.

DECISIONS-FEB. 13.

DECISIONS—FEB. 13.

Supreme Court—Chambers—By Judge Barrett.—
In the matter of Matthews; in the matter of Matthews; in the instead of Matthews.—The mount reported seems to be extravagnot; these young people smould have an allowance is accordance with their condition and expectations, but the court ought not to encourage and will not authorize example and comfort I think \$4,000 per and will not authorize example age. Fruchtricks.—Motion for a new trial on the ground of newly discovered evidence (e.d. ednesi with \$10 costs. I sale matter of Fonter.—The guardian in such matters should not consult the question should be left to the court. Fees \$25 chave.—I cannot read much of those papers nor uncertaint the matter; the plaintiff should proceed upon begine papers; the motion was really, so far as I can make out, erroness signate for January and not February; the plaintiff should proceed upon begine papers; nade for January and not February; the plaintiff should proceed upon begine papers; the motion was really, so far as I can make out, erroness signate for January and not February; the plaintiff should proceed upon begine papers; the motion was really, so far as I can make out, erroness signate for January and not February; the plaintiff should proceed upon begine papers; loss made for January and not February; the plaintiff should proceed upon begine papers.

Schiller—Without passing upon the necessity or proposed the amendment, the plaintiff may amend as site may be advance.